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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/356,543	07/19/1999	MATTHEW D. BARNHART	VMS98-01PM	7963
21005	7590	01/10/2005	EXAMINER	
HAMILTON, BROOK, SMITH & REYNOLDS, P.C. 530 VIRGINIA ROAD P.O. BOX 9133 CONCORD, MA 01742-9133			RIMELL, SAMUEL G	
			ART UNIT	PAPER NUMBER
			2165	

DATE MAILED: 01/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/356,543

Applicant(s)

BARNHART ET AL.

Examiner

Sam Rimell

Art Unit

2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 9,12-15 and 18-30 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9,12-15 and 18-25 is/are allowed.
- 6) ☒ Claim(s) 26-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
**SAM RIMELL**  
**PRIMARY EXAMINER**

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☒ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

Art Unit: 2175

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 26-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rensimer (U.S. Patent 6,154,726) in view of Mayaud (5,845,255, previously cited by applicant).

Claim 26: The hand held device (130) is a memory device. The patient detail is shown in FIG. 3A. The detail is specific to a single physician ("Brent Beasley"). The detail shows patient locations ("Hospital: HIL") and an indication as to whether the patient has been seen on a certain date (Admitted: 1/25/94). The date the patient is seen can be the same date as the date on which data is entered. The memory device will further display billing code information (diagnoses in FIG. 3B which are used to generate billing codes) and associated guidelines (the pop-up displays shown in items #17 and #18 in col. 17).

The user interface includes demographic information ("DOB: 3/14/1967"), an indication of whether the patient has been seen ("admitted: 11/25/1994"), as well as billing code information (diagnoses in FIG. 3B used to generate billing codes) and guideline information (pop-up windows in col. 17, items #17 and #18). A communications cable (140 in FIG. 1) act as a communications interface between the memory containing hand held processing device (130) and server (100).

Art Unit: 2175

The user interface capability of sorting the list is recited as an intended usage of the interface rather than programming encoded into the held device, and accordingly, does not carry patentable weight.

Rensimer differs in that it does not illustrate a list of multiple patients in addition to the detailed listing of data for each individual patient. However, FIG. 2 of Mayaud illustrates such a patient listing as part of display screen on a PDA device. It would have been obvious to one of ordinary skill in the art to modify Rensimer to include an additional screen listing multiple patients so as to provide the physician a summary of the patients being treated, as taught by Mayaud.

Claim 27: Col. 17, items #17 and #18 constitute the display of a billing code menu. FIG. 5 illustrates the display of a diagnosis menu.

Claim 28: In col. 17, items #17 and #18 the display of billing code information is associated with specific medical procedures associated with neonatal care. For example, "Initial NICU" is considered a medical procedure involving the assignment of a an infant to a neo-natal intensive care unit. Other actions, such as "History, exam, diag" are evaluation actions performed by the physician.

Claim 29: FIG. 3B illustrates the display of a list of stock phrases for insertion in a report.

Claim 30: See col. 17, items #18 and #18.

Claims 9, 12-15 and 18-25 are allowed.

Art Unit: 2175

Remarks

Claims 26-30 remain the only claims under rejection. The rejection is based on new grounds which are not necessitated by amendment, and accordingly, this action is made non-final.

The remaining claims of record, claims 9, 12-15, and 18-25 are allowed.

Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (703) 306-5626.

A handwritten signature in black ink, appearing to read 'S. Rimell', is positioned above the printed name and title.

Sam Rimell  
Primary Examiner  
Art Unit 2175